IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5871 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

1 to 5 No

GUJARAT PETROLEUM EMPLOYEES' UNION

Versus

UNION OF INDIA

Appearance:

MR TR MISHRA for Petitioner

SERVED BY RPAD - (R) for Respondent No. 1

RULE SERVED BY DS for Respondent No. 2,11

M/S TRIVEDI & GUPTA for Respondent No. 3

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 30/08/2000

ORAL JUDGEMENT

1. Heard the learned counsel for the respective parties.

2. The learned counsel agree that an order be passed in this matter in terms of the order made in Special Civil Application No.10349 of 1999 dated 16.2.2000. It is accordingly directed that:

(A) The petitioners shall approach the Conciliation Officer in respect of their demands for which the present petition is filed, within four weeks from today.

(B) The Conciliation Officer shall submit an appropriate report within three months from the date of hearing, after taking into consideration the rival contentions and objections.

(C) In case failure report is drawn by the Conciliation Officer, in that event, the Appropriate Government shall take decision by passing appropriate order of making a reference or refusing to make the order of reference within four weeks from the date of receipt of the report. Interim relief granted by this Court shall continue till such decision is communicated and for a further period of two weeks.

(D) In case the present contract between the principal employer as well as the contractor comes to an end or for any other reason, and if the Corporation discontinues the present contractor, it will be open for the principal employer to award fresh contract by inserting a clause that the new contractor will continue the present petitioners during the continuation of the interim relief. It is clarified that it will be the sole discretion of the appropriate authority and/or the Labour Court/Industrial Tribunal to continue or not to continue the interim relief granted and continued by this Court in this order. It is further clarified that it will be open for the concerned contractor to take appropriate disciplinary action against the petitioners in case of their involvement in any misconduct including absenteeism in accordance with law.

3. In view of the aforesaid directions, nothing further is required to be done in the present petition. The petition is accordingly disposed of. Rule is discharged with no order as to costs. The order of interim relief is vacated subject to the directions given

in this order.

Sd/-

30.8.2000 (D.H.Waghela, J.)

(KMG Thilake)